959.

SUPREME COURT OF THE UNITED STATES.

No. 64.

ROBERT FENWICK, PLAINTIFF IN ERROR,

VERSUS

ELIZA CHAPMAN AND ROBERT CHAPMAN,

By KITTY CHAPMAN, *their mother and n ext friend.*

IN ERROR TO CIRCUIT COURT UNITED STATES FOR WASHINGTON, D. C.

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[*Writ of Error.*]

THE UNITED STATES OF AMERICA, TO WIT:

The President of the United States to the Judges of the circuit court of the district of Columbia, sitting for the county of Washington, greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said circuit court, before you or some of you, between Eliza Chapman and Robert Chapman, by Kitty Chapman their mother and next friend, petitioners, and Robert Fenwick, defendant,

a manifest error hath happened to the great damage of the said Robert Fenwick, as by his complaint appears; and we being willing that error, if any hath been, should be duly corrected, and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you have the same at Washington on the second Monday in January next, in said Supreme Court to be then and there held that the record and proceedings aforesaid being inspected, the said Supreme Court may cause further to be done therein to correct that error, which of right and according to the laws and custom of the United States should be done.

Witness, the honorable John Marshall, Chief Justice of said Supreme Court.

Issued the 23d day of December, 1834.

WILLIAM BRENT,
Clerk Circuit Court, District of Columbia, for the county of Washington.

[*Citation.*]

DISTRICT OF COLUMBIA, TO WIT:

The United States of America to Kitty Chapman, mother and next friend of Robert Chapman and Eliza Chapman, greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, to be holden at Washington, on the second Monday of January next, pursuant to a writ of error filed in the clerk's office of the circuit court of the United States for the District of Columbia, in the county of Washington, wherein Robert Fenwick is plaintiff in error, and you are defendant in error, to show cause, if any there be, why judgment rendered against the said Robert Fenwick, as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the honorable William Cranch, Chief Judge of the circuit court of the District of Columbia.

Issued the 23d day of December, 1834.

Service acknowledged:

F. S. KEY,
Attorney for Defts. in error.

[*Copy—Appeal Bond.*]

Know all men by these presents, that we, Edward Dyer and William L. Brent, are held and firmly bound unto Kitty Chapman in the full and just sum of eight hundred dollars, current money, to be paid to the said Kitty Chapman, her executors, administrators or assigns, to which payment, well and truly to be made and done, we bind ourselves and each of us, our and each of our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals, and dated this twenty-third day of December, in the year eighteen hundred and thirty-four.

Whereas, lately, at a circuit court of the United States for the District of Columbia, sitting for the county of Washington, in a suit depending in the said circuit court, wherein Eliza Chapman and Robert Chapman, by the said Kitty Chapman, their mother and next friend, were petitioners, and

Robert Fenwick was defendant, judgment was rendered against the said Robert Fenwick; and he having obtained a writ of error, and filed a copy thereof in the clerk's office of the said circuit court, to reverse the judgment in the aforesaid suit, and a citation to the said Kitty Chapman, the mother and next friend of the said Eliza Chapman and Robert Chapman, citing her to be and appear at a Supreme Court of the United States, to be held on the second Monday of January next:

Now, the condition of the above obligation is such, that if the said Robert Fenwick shall prosecute said writ to effect, and answer all damages and costs if he fails to make good his plea, then the above obligation to be void, else to remain in full force and virtue.

EDWARD DYER, [SEAL.]
WM. L. BRENT, [SEAL.]

Signed and delivered in presence of
E. J. MIDDLETON.

Approved: J. S. MORSELL.
Copy.—Test: WM. BRENT, *Clerk.*

DISTRICT OF COLUMBIA, } TO WIT:
COUNTY OF WASHINGTON, }

Be it remembered, that on the twenty-third day of December, in the year eighteen hundred and thirty-four, Richard I. Edelin, by William L. Brent, esquire, his attorney, filed in the circuit court here the following petition and order of the honorable Gabriel Duvall thereon, to wit:

[*Petition for Writ of Error.*]

To the honorable Gabriel Duvall, one of the Judges of the Surpeme Court of the United States:

The petition of Richard I. Edelin, of Prince George's county, in the State of Maryland, respectfully represents, that at the March term, 1834, of the circuit court of the United States, a final judgment was rendered against your petitioner as defendant in a certain suit therein depending, in which Eliza Chapman and Robert Chapman, by Kitty Chapman their mother and next friend, were plaintiffs, they having commenced their suit against one Robert Fenwick for their freedom; and your petitioner, who sold the said plaintiffs as slaves to said Robert Fenwick, having by consent appeared and defended the same, and that the value of the said plaintiffs is at least four hundred dollars: and your petitioner says that, by the laws of the land, the said plaintiff and slaves are not entitled to their freedom as decreed by the said circuit court for the District of Columbia, and that there is great error in said judgment. He therefore prays your honor to grant him an appeal to the Supreme Court of the United States, as by law he is entitled to; and as in duty bound will ever pray, &c.

WM. L. BRENT, *for Petitioner.*

[*Writ of Error allowed.*]

The clerk of the circuit court of the United States for Washington county, in the District of Columbia, will grant the appeal, and issue the writ of error in this case, upon the petitioner's filing his bond, with two securities, as the law directs, in the penal sum of eight hundred dollars.

Given and ordered this 21st day of June, 1834.

G. DUVALL,
Associate Judge for Supreme Court U. S.

And on the said twenty-third day of December, eighteen hundred and thirty-four, the said Richard I. Edelin filed in court here an approved appeal bond, which is hereto annexed.

Thereupon the writ of error issued, which is also hereto annexed, directed to the judges of the circuit court of the District of Columbia for the county of Washington; and, in pursuance thereof, a record of the proceedings had in the said circuit court here, in the said cause of Eliza Chapman and Robert Chapman, by Kitty Chapman their mother and next friend, against Robert Fenwick, is transmitted to the said Supreme Court, and is in the words and figures following, to wit:

[*Style of Court.*]

DISTRICT OF COLUMBIA, TO WIT:

At a circuit court of the District of Columbia, begun and held in and for the county of Washington, at the city of Washington, on the fourth Monday of March, being the twenty-fourth day of the same month, in the year of our Lord one thousand eight hundred and thirty-four, and of the independence of the United States of America the fifty-seventh.

Present: The Honorable WILLIAM CRANCH, *Chief Judge.*
BUCKNER THRUSTON, } *Assistant*
JAMES S. MORSELL, } *Judges.*
ALEX. HUNTER, Esqr., *Marshal.*
WILLIAM BRENT, *Clerk.*

In the records of proceedings of the same court, among others are the following, to wit:

[*Parties.*]

Eliza Chapman and Robert Chapman, by Kitty Chapman, their mother and next friend, against Robert Fenwick.

Be it remembered, that heretofore, to wit, on the seventeenth day of August, in the year of our Lord one thousand eight hundred and thirty-three, the said Eliza Chapman and Robert Chapman, by Francis S. Key and Robert P. Dunlop, esquires, their attorneys, filed in court here the following petition, to wit:

[*Petition for Freedom.*]

To the honorable the Judges of the Circuit Court of the District of Columbia, for the county of Washington:

The petition of Eliza Chapman and Robert Chapman, infants, under the age of twenty-one years, by Kitty Chapman their mother and next friend, humbly states, that your petitioners are colored persons who, by the laws of the land are entitled to their freedom; that they are at this time illegally detained and confined in custody in the county of Washington, in the District of Columbia, by one Robert Fenwick, who sets up some pretended claim or title to your petitioners as his slaves for life: your petitioners therefore pray that a subpœna may issue to the marshal of the District of Columbia, commanding him to summon the said Robert Fenwick to be and appear before your honors, and answer the allegations of

your petitioners in the premises; and, as in duty bound, they will ever pray, &c. F. S. KEY & R. P. DUNLOP, *for Petitioners.*

Thereupon, the United States writ of subpœna was issued, directed to the marshal of the District of Columbia, in the words and of the tenor following, to wit:

[*Subpœna.*]

DISTRICT OF COLUMBIA, TO WIT:

The United States of America, to the Marshal of the District Columbia, greeting:

We command you that you summon Robert Fenwick, late of the county of Washington, if he shall be found within the county of Washington, in your said District, to be and appear before the circuit court of the District of Columbia, to be held for the county aforesaid, at the city of Washington, on the fourth Monday of November next, to answer the petition of Eliza Chapman and Robert Chapman, by Kitty Chapman their mother and next friend, exhibited in said court against him for freedom.

Hereof fail not at your peril, and have you then and there this writ.

Witness, the honorable William Cranch, esquire, Chief Judge of our said court of the city of Washington, the 29th day of May, Anno Domini one thousand eight hundred and thirty-three.

WM. BRENT, *Clerk.*

Issued the 17th day of August, 1833.

F. S. KEY & R. P. DUNLOP.

[*Marshal's return—Appearance of Defendant—Plea and Issue.*]

At which said fourth Monday of November, in the year of our Lord one thousand eight hundred and thirty-three, being the day of the return of the aforegoing writ, came into the circuit court here the said petitioners, by their attorneys aforesaid; and the marshal of the district aforesaid, to whom the said aforegoing writ was in form aforesaid directed, makes return thereof to the court here thus endorsed, to wit: 'Summoned, H. Ashton, marshal.' And thereupon the said Robert Fenwick, by William L. Brent, esquire, his attorney, comes into the circuit court here, and defends the complaint aforesaid, when and where the said court shall take the same into consideration; and for plea he says that the said petitioners are not entitled to their freedom as is alleged, and of this he puts himself upon the country, and the said petitioners in like manner, &c. Therefore, let a jury thereon appear before the court here on the fourth Monday of March next, by whom, &c., and who neither, &c., to recognize, &c., because as well, &c. the same day is given to the said parties then and there, &c.

And now, to wit, the said fourth Monday of March, in the year of our Lord one thousand eight hundred and thirty-three, come again into the circuit court here as well the said petitioners by their attorneys aforesaid, as the said Robert Fenwick by his attorney aforesaid; and thereupon the following statement was filed by the said parties, subject to the opinion of the court as to the law upon the facts therein set forth, to wit:

[*Agreement of Counsel.*]

It is agreed in this case—

1st. That the petitioners are the same named in the will of Frances Edelin, deceased, to whom she gave their freedom after her death, as appears by said will, a copy whereof is hereto annexed.

2d. That Edelin, the defendant, was the executor of the last will and

testament of said deceased, and, as such, sold, in the year eighteen hundred and thirty-three, said petitioners to the other defendant, Fenwick.

3d. That the sale of the petitioners was made in Prince George's county aforesaid, where the deceased lived at the time of her death, and where the petitioners were; and that, from the time of deceased's death to the time of their sale, they were permitted by the executor to go at large as free, and that after the purchase made by Fenwick he brought them to the District of Columbia, where the present suit was instituted, and that after the institution of the said suit, Fenwick transferred his claim to the petitioners to the defendant Edelin, who repaid him his money, and appears to defend the suit.

4th. That the deceased left real estate to an amount in value more than sufficient to pay her debts without the sale of the negroes emancipated by the will, as will appear by her will referred to, and made a part of this agreement, but not personal estate sufficient.

5th. That the original copy of all the proceedings had in the orphan's court of Prince George's county, relative to the settlement of the deceased's estate by her executors or administrators, may be filed as part of this case.

F. S. KEY, *for Petitioners.*
W. L. BRENT, *for Defendant.*

[*Judgment for Petitioners.*]

Whereupon, all and singular the premises being by the court here seen, heard, and fully understood, and mature deliberation thereupon had, for that it appears to the court here that the said petitioners are entitled to their freedom upon the facts above alleged—therefore it is considered by the court here that the said petitioners be free and discharged of and from the service of the said defendants, Robert Fenwick and Richard I. Edelen, and that the said petitioners go thereof without day, &c., and it is further considered by the court here that the said petitioners recover against the said defendants the sum of ten dollars and nineteen cents for their costs and charges by them in this behalf laid out and expended, and that they have thereof their execution, &c.

Test: W. BRENT, *Clerk.*

[*Clerk's Certificate.*]

DISTRICT OF COLUMBIA, } TO WIT:
COUNTY OF WASHINGTON, }

I, William Brent, clerk of the circuit court of the District of Columbia for the county of Washington, hereby certify that the aforegoing is a true and correct transcript of the proceedings had in the said court in the case of Eliza Chapman and Robert Chapman, by Kitty Chapman their mother and next friend, against Robert Fenwick, taken from the records of said court.

In testimony whereof, I hereunto subscribe my name, and affix the seal of said circuit court, at the city of Washington, this 26th day of December, 1834. W. BRENT, *Clerk.*

In the name of God, amen. I, Francis Edelin, of Prince George's county, in the State of Maryland, being of sound and disposing mind, memory and understanding, do make and publish this, my last will and testament, in manner and form following. First, and principally, I commit my soul to the mercies of my dear Redeemer and Lord Jesus Christ, and my body to the earth, to be decently buried; and, after my debts and funeral charges are paid, I devise and bequeath as follows: I give and be-

queath to my nephew, John B. Edelin, the *store-house and lot* where Doctor B. I. Semmes has his shop, opposite to the post office, which house and lot have devolved on me by the death of my late sister Elizabeth Aramentha Edelin, to him and his heirs for ever. I also give and bequeath to my said nephew, John B. Edelin, *three silver table spoons* and *six silver tea spoons.* Item: I give and bequeath to John B. Edelin's son, Benedict Joseph, all my right to *a tract of land* lying and being in Charles county, containing, more or less, two hundred and fifty acres, formerly belonging to my deceased brother Electius Edelin, to Benedict Joseph Edelin, his heirs and assigns, for ever. Item: I give and bequeath to my three nephews, John Aloysius, Richard James, and Walter Alexander Edelin, *a house and lot* fronting with the dwelling-house of the late Joseph Noble Baynes, which house and lot my three deceased sisters and I bought of Samuel and James Edelin, to them and their heirs for ever; with this proviso: that, should either die without lawful issue, the survivor or survivors shall enjoy the whole as aforesaid. Item: I give and bequeath to my three nephews, John Aloysius, Richard James, and Walter Alexander Edelin, my right to *a house and lot* my late brother Electius Edelin bought of the heirs of the late John Dyer, now occupied by James H. Griffin & Co.; also, my right to *a lot, with a brick house on it,* in the city of Washington, lately the property of my deceased brother Electius Edelin, subject to twenty-two dollars ground rent for the whole lot, to them and their heirs for ever, with this proviso, that if either die without lawful issue, the survivor or survivors shall enjoy the whole as aforesaid. Item: I give and bequeath to my nephew Richard James Edelin the *small house and lot* now occupied by Robert Frazer, which I give to him, his heirs and assigns, for ever, *with this proviso, that the negroes which is hereinafter mentioned to be free to live in the back room of said house.* I also bequeath to my nephew Richard James Edelin a mulatto man named Henry, to him, his heirs and assigns, for ever. Item: I give and bequeath to my nephew John B. Edelin, a negro boy named John, for the support of my sister Delia Boarman, and at her death to John B. Edelin's daughter Catharine Amanda, to her, her heirs and assigns, for ever. I give and bequeath to my brother George S. Edelin a black man named Bill, and at his death to John B. Edelin's daughter, Catharine Amanda, her heirs and assigns, for ever. Item: I give and bequeath to my niece Eliza Queen, a negro girl named Harriet, and, at her death, to her daughter Henry Ann, to her heirs and assigns, forever. I also give to my niece Eliza Queen a locket and ring, to her, her heirs and assigns, for ever. Item: *Negro woman Letty, her daughter Kitty, a mulatto, with her three children, to wit: Eliza, Robert and Kitty Jane, with their future increase, and an old woman named Lucy; I do hereby declare them free at and after my death,* and they shall have the right to live in and occupy the back room in the house and lot I given and bequeath to my nephew Richard James Edelin. To the two old negro women I give them and bequeath ten dollars a year to each of them as long as they live; and ten dollars a year during two years after my death, exclusive of the year in which I die, to mulatto Kitty. Item: My three nephews, John Aloysius, Richard James and Walter Alexander Edelin, for and in consideration of the bequests I have made them, shall pay every year to negro woman Lucy and to negro woman Letty ten dollars for every year the said negro women may live, as mentioned in the aforegoing item; and my nephew John B. Edelin, for and in consideration of

the bequests I have left him, shall pay, during the two years above mentioned, to mulatto Kitty ten dollars for each year. Item: to my sister Delia Boarman I give her and bequeath the gig and all my wearing apparel. Item: to Caroline Matilda Edelin, my niece, the wife of John B. Edelin, I give and bequeath her one bed and furniture. Item: I give to the officiating priest of Piscataway or Matlewoman Chapels, who will pronounce the funeral obsequies over my grave, fifteen dollars. Item: The residue of my estate I give and bequeath to my three nephews John Aloysius, Richard James, and Walter Alexander Edelin, to be equally divided between them, with this proviso, that if either die without lawful issue, the survivor or survivors shall enjoy the whole. And, lastly, I appoint and constitute as executors of this, my last will and testament, two of my nephews, John B. Edelin, Richard James Edelin, and George T. Brown, jointly: In testimony whereof, I have hereunto set my and affixed my seal, this second day of November, in the year of our Lord eighteen hundred and twenty-five. FRANCES EDELEN. [SEAL.]

Signed, sealed, published and declared by the above named testator, as and for her last will and testament, and, at her request, we have hereto set our names in presence of each other. TH. C. LYLES.
H. EDELEN.
WM. GEO. HARDEY.

PRINCE GEORGE'S COUNTY, *to wit:*

December 8th, 1825.

Then came Horatio Edelen, one of the subscribing witnesses to the within will, and made oath on the Holy Evangely of Almighty God, that he did see Frances Edelen, the testatrix herein named, sign and seal the will, and heard her publish, pronounce, and declare the same to be her last will and testament; that, at the time of her so doing, she was, to the best of his apprehension, of sound and disposing mind, memory and understanding; and that he, together with Thomas C. Lyles and William George Hardey, the other two subscribing witnesses, respectively subscribed their names as witnesses to this will in the presence of the testatrix, at his request, and in the presence of each other.

Sworn before TRUEMAN TYLER,
Register of Wills for Prince George's county.

PRINCE GEORGE'S COUNTY, *to wit:*

March 15th, 1826.

Then came William George Hardey, one of the subscribing witnesses to the within last will and testament, and made oath, on the Holy Evangely of Almighty God, that he did see Miss Frances Edelen, the testatrix herein named, sign and seal this will, and heard her publish, pronounce, and declare the same to be her last will and testament; that at the time of her so doing, she was, to the best of his apprehension, of sound and disposing mind, memory, and understanding; and that he, together with Thomas C. Lyles and Horatio Edelin, the other two subscribing witnesses, respectively subscribed their names as witnesses to this will in the presence of the testatrix, at her request, and in the presence of each other.

Sworn before TRUEMAN TYLER,
Register of Wills for Prince George's county.

MARYLAND, PRINCE GEORGES COUNTY, *sct.*

I, Philemon Chew, register of wills for said county, do hereby certify hat the aforegoing is a true and correct copy of the original will of Fran-

ces Edelen, filed and recorded in my office: In testimony whereof I hereto set my hand and affixed the public seal of the orphan's court of said county, this 24th day of November, in the year of our Lord one thousand eight hundred and thirty-three.

[SEAL.] Teste: PHILEMON CHEW,
Register of Wills for Prince Georges county.

MARYLAND, *sct.* *The state of Maryland to Nathaniel Hatton and*
[SEAL.] *Thomas J. Marshall, greeting:*

This is to authorize you, jointly, to appraise the goods, chattels, and personal estate of Miss Frances Edelen, late of Prince George's county, deceased, so far as the same shall come to your sight and knowledge, each of you having first taken the oath or affirmation hereto annexed; a certificate whereof you are to return annexed to an inventory of the said goods, chattels, and personal estate by you appraised, in dollars and cents; and in the said inventory you are to set down in a column or columns opposite to each article, the value thereof. Witness John Brookes, esquire, chief justice of our orphan's court of Prince George's county, this tenth day of January, in the year of our Lord one thousand eight hundred and twenty-six. Teste: TRUEMAN TYLER, *Register.*

PRINCE GEORGE'S COUNTY, *sct.*

On the 16th day of January, 1826, came before me the undersigned, a justice of the peace for said county, the above named Nathaniel Hatton and Thomas I. Marshall, and made oath that they would well and truly, without partiality or prejudice, value and appraise the goods, chattels, and personal estate of Frances Edelen, deceased, so far as the same should come to their sight and knowledge; and would in all respects perform that duty, as appraisers, to the best of their skill and judgment.

Sworn before RAPHAEL C. EDELEN.

We, the undersigned, do hereby certify that the within to which this is annexed, is a true and just inventory and appraisement of all the goods, chattels and credits of Frances Edelen, late of Prince George's county, deceased, which have come to our sight and knowledge; and that, previous to making out the within inventory and appraisement, we severally took the oath or affirmation hereto annexed, a certificate whereof will appear. As witness our hands and seals, this 16th day of January, 1826.

NATHANIEL HATTON, [SEAL.]
THOS. J. MARSHALL, [SEAL.]

An inventory and appraisement of the goods, chattels, and personal estate of Frances Edelen, late of Prince George's county, deceased, appraised by us, the subscribers, in dollars and cents, in virtue of the annexed appointment from the honorable the orphan's court of Prince George's county.

Negro	Ned,	aged 50	years,	$150 00
"	William,	28	"	450 00
"	Henry,	24	"	500 00
"	John,	18	"	450 00

Negro Harriet,	15 years,	$250	00	1	pr. iron andirons,	1	25
" Kitty,	31 "	250	00	1	old looking glass,	0	50
" Eliza,	12 "	200	00	1	lot of old books,	0	25
" Robert,	10 "	200	00	1	old backgammon box,	1	00
" Letty,	50 "	100	00	2	prints,	0	50
" Lucy,	60 "	5	00	1	old half bushel,	0	25
" Jane,	10 *months*,	50	00	1	old stone pot,	0	12½
1 bed and bedstead,		18	00	1	demijohn,	0	50
1 bed and bedstead,		15	00	1	bread basket,	0	12½
1 ditto ditto,		10	00	1	old tin tea chest,	0	06¼
1 ditto ditto,		10	00	1	tea canister,	0	25
1 small bed,		10	00	1	diaper table cloth,	1	50
1 yoke oxen,		25	00	2	tin waiters,	0	25
2 milch cows,		18	00	1	small pitcher,	0	12½
1 small bull,		8	00	1	large dish,	0	50
1 small heifer,		8	00	3	small ditto,	0	75
1 bed and furniture,		20	00	5	dining plates, (Liverpool,)	0	50
1 sow,		4	00	2	small tea ditto ditto,	0	37½
1 large iron pot,		1	00	2	tureens,	0	50
1 small iron pot,		0	50	2	decanters,	0	50
1 large oven,		1	00	1	set old castors,	0	75
1 tea-kettle,		0	50	6	cups and five saucers,	0	50
1 frying pan,		0	50	1	set knives and forks,	0	50
1 mortar and pestle,		0	50	1	large tea tray,	0	25
2 old axes and 1 hilling hoe,		1	00	1	milk crock,	0	25
1 lot of old iron,		0	62½	1	large basket,	0	25
1 old brass skillett,		0	75	1	pr. saddle bags,	0	75
1 pr. steelyards,		1	00	1	small jug	0	06
1 bureau, (walnut,)		8	00	1	parcel plank, supposed about 400 feet,	6	00
1 walnut case, (glass doors,)		6	00	1	pr. old gig reins,	0	50
1 large dining table,		4	00	9	empty barrels,	1	50
1 ditto ditto ditto,		3	00	1	large tub,	0	50
1 pr. small card tables,		2	00	A	parcel leather,	3	00
1 old table,		0	75	1	stove,	2	00
8 chairs,		6	00	1	wash stand,	1	00
2 old flag bottom chairs,		0	75		Total,	$2824	75
1 old arm chair,		0	75	Sold at different times 301lbs. of pork, at $4 50 per cwt.		13	54½
1 large trunk,		0	75	Sold 2 hogs at $2 p. piece,		4	00
2 small ditto,		0	50			$2842	29
1 large pine chest,		0	50				
1 old walnut desk,		0	50				
1 pine writing ditto,		1	00				
1 ditto ditto,		0	50				
1 old carpet,		3	00				
1 pr. brass andirons,		2	00				

PRINCE GEORGE'S COUNTY, to wit:

January 17, 1826.

Then came Richard James Edelen, executor of Frances Edelin, late of said county, deceased, and made oath on the Holy Evangely of Almighty God, that the aforegoing is a true and perfect inventory and appraisement

of all and singular the goods, chattels, and personal estate of the deceased, that came to his sight or knowledge at the time of the making thereof; that what hath since or shall hereafter come to his possession or knowledge, he will return in additional inventory; that he knows of no concealment of any part of the deceased's property, by any person whatever; and that if he shall discover or suspect any concealment of any part thereof, he will acquaint the judges of the orphan's court or the register of wills therewith, that the same may be enquired into according to law.

Sworn before TRUEMAN TYLER, *Register.*

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I, Philemon Chew, register of wills for said county, do hereby certify that the aforegoing inventory is a true and correct copy of the original inventory and appraisement of the goods, chattels, and personal estate of Frances Edelen, filed and recorded in my office. In testimony whereof, I have hereto set my hand and affixed the seal of the orphan's court of said county, this 24th day of November, Anno Domini 1833.

[SEAL.] Test: PHILEMON CHEW,

Register of Wills for Prince George's county.

ORPHAN'S COURT OF PRINCE GEORGE'S COUNTY,

17*th January*, 1826.

Ordered by the court, that Richard James Edelen, executor of Frances Edelen, sell as much of the personal estate of the deceased as will be sufficient to discharge her just debts, on a credit of six months, for all sums above five dollars; and for all sums to that amount, and under, for cash; after giving three weeks' notice of the time, place, and terms of sale, by advertisement in the National Intelligencer, and by advertisements set up at the most public places in the neighbourhood; and that he take bond with approved security from the purchaser or purchasers thereof.

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I, Philemon Chew, register of wills, do hereby certify, that the aforegoing is a true copy of the order to sell, granted by the orphan's court of Prince George's county, to Richard James Edelen, executor of Frances Edelen, on the 17th day of January, 1826: In testimony whereof, I have hereto set my hand and affixed the seal of the orphan's court of Prince George's county, this 24th day of November, 1833.

[SEAL.] Test: PHILEMON CHEW,

Register of Wills for Prince George's county.

A list of the articles sold, belonging to the estate of Miss Frances Edelen.

Raphael C. Edelen, to bed and bolster,	. .	$9 00
Robert Frazer, " bed,	. . .	5 00
John G. Robinson, " bed,	. . .	5 00

John G. Robinson, to bed,	3 55
Robert Frazer, small heifer,	6 25
John G. Hoye, cow,	3 00
Richard I. Edelen, iron pot,	0 65
John B. Edelen, small ditto,	0 35
John B. Edelen, large oven,	0 45
John B. Edelen, kettle,	0 25
John B. Edelen, frying pan,	0 65
John Tippett, iron mortar and pestle,	0 20
John B. Edelen, lot of old iron,	0 65
Thomas Mattingly, old brass skillett,	1 05
Thomas Mattingly, bureau,	6 15
Doct. John F. Latimer, walnut case with glass doors,	2 20
Raphael C. Edelen, dining table,	3 00
Henry Acton, dining table,	2 05
William Stanton, pr. old tables,	1 25
Walter Gardiner, old table,	0 30
Doct. John F. Latimer, old flag bottom chairs,	1 37½
John G. Hoye, eight chairs,	7 00
William Stanton, old carpet,	2 25
Raphael C. Edelen, old looking glass,	0 58
John G. Robinson, old saddle bags,	0 65
John B. Edelen, stove,	2 50
Doct. William Marshall, 10 barrels,	1 10
James H. Griffin, broad axe,	0 52
John C. Moore, old spinning wheel,	0 70
John B. Edelen, old writing desk,	0 12½
John B. Edelen, ditto ditto	0 25
Thomas H. Edelen, old chest,	0 12½
John Thorn, old trunk,	0 75
Thomas H. Edelen, bedstead,	0 66
Richard I. Edelen, old bedstead,	0 12½
Smith Davis, bedstead,	0 65
Richard I. Edelen, old bed,	6 65
John B. Edelen, large desk,	0 40
John B. Edelen, laths and plank,	2 35
Nathaniel Hatton, books,	0 30
John G. Hoye, cow,	10 87½
George I. Brown, cow,	8 05
John G. Robinson, diaper table cloth,	1 05
Nathaniel Hatton, trunk and box,	0 50
Walter Gardiner, old grid iron,	0 27
John B. Edelen, sundry crockery ware,	1 60
Thomas H. Edelen, half bushel,	0 55
Raphael C. Edelen, andirons,	1 05
John B. Edelen, axe and hoe,	0 12½
John B. Edelen, brass andirons,	1 05
John G. Hoye, bread basket,	0 12½
Raphael C. Edelen, small trunk,	0 19
Raphael C. Edelen, two prints,	0 15
Robert Frazer, stone pots, &c.	0 25

John B. Edelen, steelyards,	0 70
Raphael C. Edelen, box old iron and jug,	0 08
John B. Edelen, 2 waiters,	0 06
John B. Edelen, lot of crockery ware and basket,	1 50
James H. Griffin, steps,	0 43¾
Doct. William Marshall, cart and oxen,	25 00
Robert Edelen, negro man Ned,	107 75
Thomas Mattingly, chequer box,	0 75
	$242 16¾

PRINCE GEORGE'S COUNTY, *to wit:*

February 14th, 1826.

Then came Richard James Edelen, executor of Frances Edelen, late of said county, deceased, and made oath on the Holy Evangely of Almighty God, that the within and aforegoing is a true and correct list of the sales of the personal estate of the deceased, as sold by him, at public sale, after public notice given.

Sworn before TRUEMAN TYLER, *Register.*

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I, Philemon Chew, register of wills for said county, do hereby certify that the within and aforegoing list of sales of the personal estate of Frances Edelen, deceased, is a true and correct copy of the original, filed and recorded in my office: In testimony whereof, I have hereto set my hand and affixed the seal of the orphan's court of Prince George's county, this 24th day of November, Anno Domini 1833.

[SEAL.] Test: PHILEMON CHEW,
Register of Wills for Prince George's county.

An account of sales of the goods and chattels of the personal estate of the late Miss Frances Edelen.

Ned, aged 50 years,	$107 75	1 small ditto,	0 35
Bed and bedstead,	9 70	1 large oven,	0 45
ditto ditto,	6 77	1 kettle,	0 25
ditto ditto,	5 70	1 frying pan,	0 65
ditto ditto,	5 00	1 iron mortar and pestle,	0 20
Small ditto,	3 55	2 old axes & hilling hoes,	0 65
Cart and yoke oxen,	25 00	1 lot of old iron,	0 62½
2 milch cows,	18 92	1 old brass skillitt,	1 05
1 small bull,	3 00	1 pr. steelyards,	0 70
1 ditto heifer,	6 25	1 walnut bureau,	6 15
1 sow,	3 00	1 case with glass doors,	$2 30
1 large iron pot,	0 65	1 large dining table,	3 00

1 large dining table,	2	05	
1 pr. card tables,	1	25	
1 old table,	0	30	
8 chairs,	7	00	
2 old flag bottom chairs,	1	00	
1 ditto arm chair,	0	37½	
1 large trunk,	0	75	
1 small trunk,	0	50	
1 large pine chest,	0	62½	
1 old walnut desk,	0	40	
1 pine writing desk,	0	25	
1 ditto desk,	0	12½	
1 old carpet,	2	25	
1 pr. brass andirons,	1	05	
1 pr. andirons,	0	58	
1 old looking glass,	0	58	
1 lot of old books,	0	30	
1 old backgammon box,	0	75	
2 old prints,	0	15	
1 half bushel,	0	55	
1 old stone pot,	0	12½	
1 demijohn,	0	12½	
1 old bread basket,	0	12½	
1 old tin tea chest,	0	06¼	
1 old tea canister,	0	12½	
1 table cloth,	1	05	
2 tin waiters,	0	06¼	
1 small pitcher,	0	12½	
1 large dish,	0	37½	
3 small ditto,	0	37½	
5 dining plates,	0	37½	
5 small tea plates,	0	18¾	
2 tureens,	0	18¾	
2 decanters,	0	18¾	
1 set old castors,	0	37½	
6 cups and 5 saucers,	0	25	
1 set knives and forks,	0	12½	
1 large tea tray,	0	12½	
1 milk crock,	0	12½	
1 old basket,	0	06¼	
1 pr. saddle bags,	0	65	
1 small jug,	0	06¼	
Plank, supposed 400 feet,	2	35	
1 pr. old gig reins, legacy	0	00	
9 empty bbls. and 1 tub,	1	10	
A parcel laths,	1	00	
1 spinning wheel,	0	70	
1 pr. steps,	0	43	
1 wash stand,	0	55	
1 old gridiron,	0	27	
Amount of sales,	$243	68¾	
Amount of appraisement,	$349	10	

PRINCE GEORGE'S COUNTY, *to wit:*

April 10*th*, 1827.

Then came Richard James Edelen, executor of Francis Edelen, late of said county, deceased, and made oath on the Holy Evangely of Almighty God, that the within and foregoing is a true and just list of sales of the property belonging to the deceased's estate, sold by him at public sale, after public notice given.

Sworn before TRUEMAN TYLER, *Register.*

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I, Philemon Chew, register of wills for Prince George's county, do hereby certify, that the within and foregoing is a true copy of the original additional list of sales of the personal estate of the late Miss Frances Edelen's estate, filed and recorded in my office: In testimony whereof, I have hereto set my hand and affixed the seal of the orphan's court of said county, this 24th day of November, 1833.

[SEAL.] Test: PHILEMON CHEW, *Register of Wills.*

A list of sales of the personal estate of the late Frances Edelen, deceased, June 25th, 1828.

Negro man Henry, - - - - -	$355 00
Ditto ditto John, - - - - -	306 00
Ditto girl Harriet, - - - - -	250 00
Ditto man Bill, - - - - - -	300 00
	$1211 00

PRINCE GEORGE'S COUNTY, *to wit:*

August 30th, 1830.

Then came Richard James Edelen, executor of Miss Frances Edelen, late of said county, deceased, and made oath on the Holy Evangely of Almighty God, that the aforegoing is a true and perfect list of sales of the personal estate of the deceased, made by him at public sale, after public notice given.

Sworn before PHILEMON CHEW,

Register of Wills for Prince George's county.

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I, Philemon Chew, register of wills for said county, do hereby certify, that the above and foregoing is a true and correct list of sales of the personal estate of Miss Frances Edelen, filed and recorded in my office: In testimony thereof, I have hereto set my hand and affixed the public seal of my office, this 25th day of Nov. 1833.

[SEAL.] Test: P. CHEW, *Register.*

PRINCE GEORGE'S COUNTY, *to wit:*

July 16th, 1833.

The first account of Richard James Edelen, executor of Frances Edelen, late of said county, deceased.

This accountant charges himself with the inventory of the deceased's personal estate, heretofore exhibited, amounting to the sum of $2842 29½

With cash received of Thomas Mattingly for house rent, - - - - - -	127 98½
With ditto, received of Enock Magruder, - -	2 03
With ditto, received of Basil Barnes, - -	0 75
With ditto, received of John Cohagen, in full of judgment against him, - - - - - - -	200 00
	31 73 06

And craves an allowance for the following payments and disbursements, to wit:

1	Of current money paid for funeral expenses, per accounts and receipts, - - - -	$30 00
2	Of ditto due from the deceased to William Stanton, on open account proved and paid, per receipt, -	9 52
3	Of ditto due from ditto to De Arcy French, on ditto, proved and paid per receipt, - - -	14 84
4	Of ditto paid Robert Frazer, per receipt, - -	8 00
5	Of ditto paid A. F. Beall, per receipt, - -	2 00
6	Of ditto paid Edward W. Belt, for County and State taxes, per accounts and receipts, - -	16 99
	Of ditto for the difference between the sales and appraisement of a part of the personal estate, -	93 90
7	Of ditto due from the deceased to Thomas Mattingly, on open account proved and paid, per account and receipt, - - -	66 78
8	Of ditto due from the deceased to John Wood, on open account proved and paid per receipt,	5 21
9	Of current money due from the deceased to Henry Dyer, on note proved and paid, per receipt,	25 00
10	Of ditto due from ditto, to Stanislaus Murray, on open account proved and paid, per receipt,	0 87½
11	Of ditto due from ditto to George H. Smoot & Co. on open account proved and paid, per receipt,	46 46
12	Of ditto paid Thomas Mattingly, per account and receipt, - - - - -	0 45
13	Of ditto paid Edward W. Belt, collector for State and County taxes, per account and receipt, -	17 76
14	Of ditto due from the deceased to Valentine Hanson, on open account proved and paid, per receipt, - - - - - - -	0 65
15	Of ditto paid for sundries, as per account, -	11 80
16	Of ditto due from the deceased to B. I. Semmes, on open account proved and paid, per receipt,	46 46
	Of ditto for the difference between the sale and appraisement of negroes Harriet, William, Henry, and John, - - - - - -	439 00
17	Of current money paid H. Dyer, deputy sheriff, for sundry officers' fees, per bills and receipts, -	10 56¼
18	Of ditto due from deceased to William Marshall, on open account proved and paid, per receipt,	10 23
19	Of ditto paid Sarah Clements on open account, per receipt, - - - - - -	4 00
20	Of ditto due from the deceased to Semmes and Edelen, on open account proved and paid, per receipt, - - - - -	17 00
21	Of ditto due from the deceased to James H. Griffen & Co., on open account proved and paid, per receipt, - - - - -	60 92

22 Of ditto paid Trueman Tyler, late register, for fees accruing on this administration, per bill and receipt, - - - - - - $ 1 94
23 Of ditto paid James D. Boarman, on account of judgment, as per receipt, - - - 302 59
24 Of ditto paid John B. Edelen, per receipt, - 822 54
25 Of ditto paid Joseph H. Posey, deputy sheriff, for officers' fees, per bills and receipts, - - 18 11
26 Of ditto paid Raphael L. Boarman, in part of his claim against deceased, per receipt, - - 184 92
Of 5 per cent. commission $3173 06 - - 158 65½

2427 16
Balance due the estate, 745 90

Estate accounted for, $3173 06

On the day and year first within mentioned, came Richard J. Edelen, the within accountant, and made oath on the Holy Evangely of Almighty God that the above and aforegoing account is just and true, as it stands stated, and that he has *bona fide* paid, or secured to be paid, the several sums of money for which he craves an allowance; which thereupon, after due examination, is passed by the order of the orphan's court of Prince George's county.

Sworn before PHILEMON CHEW,
Register of Wills for Prince George's county.

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I, Philemon Chew, register of wills, do hereby certify that the above is a true copy of the original account filed and recorded in my office: In testimony whereof, I have hereto set my hand, and affixed the seal of Prince George's county orphan's court, this 26th day of November, 1833.

Test: PHILEMON CHEW,
Register of Wills.

PRINCE GEORGE'S COUNTY, to wit:

November 12th, 1833.

The first additional account of Richard James Edelen, executor of Frances Edelen, late of said county, deceased.

This accountant charges himself with the balance of an account heretofore passed, amounting to $745 90; and craves an allowance for the following payments and disbursements, to wit:

1. Of current money paid Raphael H. Boarman on award per receipt ($194) is credited on former account, - - - - - - $219 36
2. Of ditto paid John Johnson, for professional services, per receipt, - - - - 20 00
3. Of ditto paid John B. Brooke, for professional services, per receipt, - - - - 15 00

4. Of ditto paid Peter W. Crain, for ditto, per receipt,	$5	00
5. Of ditto paid James Williamson, jailor, per bill and receipt,	1	34
6. Of ditto, paid cost on judgment against Leonard Mattingly, per judgment,	2	57
7. Of ditto paid Robert Prout on award filed in this court; interest on same from the date of award,	196	00
8. Of ditto paid Jesse Edelen's heirs, on ditto filed in ditto, interest thereon,	230	00
9. Of ditto paid this accountant on ditto per ditto, filed in ditto,	63	00
	752	27
Overpaid estate,	6	37
Estate accounted for,	$745	90

On the day and year above mentioned came Richard J. Edelen, executor of Frances Edelen, and made oath on the Holy Evangely of Almighty God, that the above and aforegoing account is just and true, as it stands stated; and that he has *bona fide* paid or secured to be paid, the several sums of money for which he craves an allowance: which thereupon, after an examination, is passed, by order of the orphan's court.

Sworn before, PHILEMON CHEW, *Register.*

MARYLAND, PRINCE GEORGE'S COUNTY, *sct:*

I, Philemon Chew, register of wills for Prince George's county, do hereby certify, that the above is a true copy of the first additional account passed by Richard James Edelen, executor of Frances Edelen, filed and recorded in my office: In testimony whereof, I have hereto set my hand and affixed the seal of the orphan's court of Prince George's county, the 26th day of November, in the year of our Lord one thousand eight hundred and thirty three.

Test: PHILEMON CHEW,
Register of Wills for Prince George's county.

To the honorable the Judges of the Orphan's Court of Prince George's county.

The petitioner of Richard James Edelen, of Prince Georges county, the executor of the last will and testament of Frances Edelen, late of said county, deceased, respectfully represents, that in the year 1826 he returned an inventory to this court of the personal estate of his testatrix, amounting to two thousand eight hundred and forty-two dollars and twenty-nine cents; that the said Frances Edelen, by her will, directed that certain of her negroes contained in the inventory should be free after her death; that your petitioner has since discovered that there will not be anything like enough of assets (in-

dependent of those negroes) to discharge the debts of said Frances. Your petitioner therefore prays this court to pass an order, directing a sale of the negroes so left to be free, that the proceeds may be applied to the payment of the debts, and he will, as in duty bound, ever pray, &c.

A. MUNDELL,
For Petitioner.

16th July, 1833.

ORPHAN'S COURT OF PRINCE GEORGE'S COUNTY,
July 16th, 1833.

Ordered by the court, that Richard James Edelen, executor of Frances Edelen, late of Prince George's county, deceased, sell *al. the personal estate* of the said deceased, upon a credit of six months on all sums exceeding ten dollars; and for sums of that amount and under for cash; after giving three weeks' notice of the time, place, and terms of sale by advertisement, set up at the most public places in the neighborhood; and that he take bond with approved security from the purchaser or purchasers thereof.

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I hereby certify, that the aforegoing is a true copy of the petition presented to the orphan's court of said county, by Richard James Edelen, executor of Frances Edelen, for a sale, and also a true copy of the order to sell, granted him by the said court: In testimony whereof I have hereto set my hand, and affixed the seal of Prince George's county orphan's court, this 26th day of November, 1833.

Test: PHILEMON CHEW,
Register of Wills for Prince George's county.

MARYLAND, PRINCE GEORGE'S COUNTY, *sct.*

I, John Brookes, Chief Judge of the orphan's court of said county, do hereby certify that the aforegoing certificates and attestations of Philemon Chew, register of wills for Prince George's county, is in *in* due form of law.

Given under my hand, this 26th day of November, 1833.

J. BROOKES.